

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TREVON R. KIRKLAND,

Plaintiff,

v.

D. SMITH, et al.,

Defendants.

Case No.: 1:23-cv-00602-JLT-CDB

**ORDER REFERRING CASE TO POST-  
SCREENING ADR AND STAYING CASE  
FOR 120 DAYS**

**FORTY-FIVE (45) DAY DEADLINE**

Plaintiff Trevon R. Kirkland is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment failure to protect claim against Defendant Bucato and Fourteenth Amendment due process claim against Defendant Moore.<sup>1</sup> Defendants filed an answer on to the complaint on May 22, 2025. (Doc. 45.)

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute Resolution ("ADR") to attempt to resolve such cases more expeditiously and less expensively.

The Court stays this action for 120 days to allow the parties to investigate Plaintiff's claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement

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<sup>1</sup> Defendant D. Smith was dismissed from this action, without prejudice, on September 22, 2025, for Plaintiff's failure to effect service of process. (See Docs. 52 & 54.) The caption and docket for this action will remain unchanged until further order of the Court, as appropriate.

conference. However, if, after investigating Plaintiff's claims and meeting and conferring, either party finds that a settlement conference would be a waste of resources, the party may opt out of the early settlement conference.

Accordingly, it is hereby **ORDERED**:

1. This action is **STAYED** for **120 days** to allow the parties an opportunity to settle their dispute before the discovery process begins. No pleadings or motions may be filed in this case during the stay. The parties shall not engage in formal discovery, but they may engage in informal discovery to prepare for the settlement conference.
2. **Within 45 days** from the date of this Order, the parties SHALL file the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time.
3. **Within 60 days** from the date of this Order, the assigned Deputy Attorney General SHALL contact the undersigned's Courtroom Deputy Clerk at cboren@caed.uscourts.gov to schedule the settlement conference, assuming the parties agree to participate in an early settlement conference.
4. If the parties reach a settlement during the stay of this action, they SHALL file a Notice of Settlement as required by Local Rule 160.
5. The Clerk of the Court SHALL serve via email a copy of this Order to Supervising Deputy Attorney General Lawrence Bragg and ADR Coordinator Sujean Park.
6. The parties are obligated to keep the Court informed of their current addresses during the stay and the pendency of this action. Changes of address must be reported promptly in a Notice of Change of Address. See L.R. 182(f).

IT IS SO ORDERED.

Dated: **September 23, 2025**

  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
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NOTICE REGARDING EARLY  
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Plaintiff (check one):

\_\_\_\_\_ would like to participate in the settlement conference in person.

\_\_\_\_\_ would like to participate in the settlement conference by telephone or video conference.

Dated:

\_\_\_\_\_  
Plaintiff or Counsel for Defendants